

that I am aware of, two-thirds majority usually carries the day. So you have the boss and his flunky already set up if they decide they want to make this declaration, and you can argue that the bank declared to have impaired capital could go to court and try to stop it. But we have heard over and over that if you bring any of these matters to the court's attention or anybody's attention, there will be a run on the institution and it's curtains. So I guess the Governor and his Banking Director can say, fight us if you will but that fighting will cause the run that would bring into reality what we say is about to happen anyway, so what choice have you got? So the little banker who was the grinning friendly loaner to the farmer but becomes the frowning foreclosurer, Senator DeCamp, may be placed in a position similar to that in which he has placed some of the farmers, and now he is casting about trying to figure how he can save his little bank. But capital impairment is not the only basis. Conducting business in an unsafe or unauthorized manner, again the unsafe is a subjective judgment, and if the Director of Banking and the Governor agree, then an emergency can be declared and will be placed into effect. There is another, conducting business in a manner endangering depositors or savers. That question will be answered by others. But the point I am making is this, that there are reasons other than insolvency for allowing or trying to invoke the provisions of 1026. From the language that I read in this statute it doesn't even say that insolvency has to be threatened. It doesn't say that a dire set of circumstances must be reached. So I guess I am reading the statutes more carefully as Senator DeCamp instructed me on the floor yesterday that I should do. He said I had read an amendment as though it said a final cease and desist order, when all it said really was final order. Well, he has discussed insolvency and being in danger of going insolvent to such an extent that I wanted to see if that was in the statute. And I don't see in any of the three requirements or any of the three bases justifying a declaration of an emergency the word "insolvency". Now maybe we are to supply that. But I don't think it is there. And I also am not convinced that Senator Johnson dealt with the issues I raised by saying that I sat out on that LB 59 two years ago and the year before whenever it came. The